

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

VS.

SHELBY DAN TUSZYNSKI,

)  
)  
) Docket No. [01-00016-004 ERIE]  
)  
)  
)

COMBINED MOTION AND MEMORANDUM  
REQUESTING CLARIFICATION OF JUDGMENT IN A CRIMINAL  
CASE / CONVICTION

NOW COMES, the Defendant, Shelby Dan Tuszyński, who is  
proceeding pro se in the above captioned motion and who  
now requests this Court to consider the following facts,  
which warrant the relief requested.

FILED

'06 FEB -2 AM 10:00

U.S. DISTRICT COURT

A. BASIS FOR REQUEST

The Defendant's sentence was imposed by this Court on 1 Oct. 2001 for the offense(s) of Armed Bank Robbery (18 U.S.C. § 2113(d)). The Defendant was consequently sentenced to 90 months in prison, a term of supervised release of 3 years, a \$100 special assessment fee and restitution in the amount of \$8066.96 to be paid to National City Bank in Sugar Grove. See Judgment at pgs. 1, 2, 3 and 5.

In this Honorable Court's Judgment the Court, in reference to the restitution order, specified that restitution would be paid jointly and severally with the codefendants in this case, but did not specify when restitution would begin to be paid

by the defendant(s). See J&C Order at 5.

The B.O.P. has now interpreted this Court's Order to mean that it has the authority (as a third party) to collect restitution on behalf of the victim, and that such restitution shall be collected immediately, as well as by "force" if necessary. (subjecting the Defendant to administrative sanctions). The only guidance the Court gave regarding the restitution order was concerning supervised release, stating:


"If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release."

See J&C Order at 3.

B. RELIEF REQUESTED

The Defendant requests an Order from the Court clarifying all aspects of the Defendant's previous order for restitution as imposed on 1 Oct. 2001, by this Court.

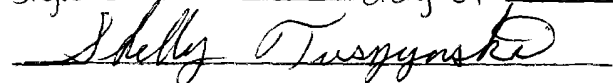
WHEREFORE, the Defendant respectfully requests an ORDER from this Court specifying the Conditions of its restitution order as previously mandated.

Respectfully Submitted,  
  
 Shelby Daw Tuszynski

## DECLARATION

I swear that the foregoing is true and correct to the best of my knowledge and under the penalty of perjury pursuant to 28 U.S.C. § 1746

Signed this 31<sup>st</sup> day of January, 2006.



Shelby Daw Tuszynski, pro se

Shelby Daw Tuszynski

# 20047-068

F.C.I. - McKean

P.O. Box 8000

Bradford, Pa 16701

31 January 2006

Clerk

U.S. District Court

P.O. Box 1820

Erie, Pa. 16507

RE: USA vs Tuszynski, 01-00016-004 ERIE

Dear Sir or Ma'am,

Please find one original copy of Defendants request for  
clarification of J&C.

Thank You,  
*Shelby Tuszynski*  
Shelby D. Tuszynski